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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CZEKAJ, DAVID J

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

08/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/823,646		Applicant(s) LAKSONO, INDRA	
	Examiner DAVID CZEKAJ		Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 28 April 2009.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 49-96 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 49-96 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/6/09

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 49-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Date et al. (5959677), (hereinafter referred to as "Date") in view of Guetz et al. (6091777), (hereinafter referred to as "Guetz").

Regarding claim 49, Date discloses an apparatus that relates to performing real-time transmission of pictures (Date: column 1, lines 5-10). This apparatus comprises "selecting a first set of channels of a first data stream responsive to determining the transmission of the first stream is not expected to meet a predetermined criteria, the criteria comprising real-time transmission of predetermined bandwidth" (Date: column 4, line 63- column 5, line 40, wherein the channels are selected), "compressing the channel of the first set to generate a second set of channels" (Date: figure 2, wherein the encoders perform the encoding), "and generating a second stream comprising the second set of channels and the channels not selected for the first set" (Date: column 4, line 63

– column 5, line 40. The examiner notes that since all the channels were selected in the first set, there will be no channels not selected in Date). However, this apparatus lacks determining of the second stream as claimed. Guetz teaches that there is a need in the art for an improved cost effective coding system (Guetz: column 2, lines 10-15). To help alleviate this problem, Guetz discloses “determining whether a transmission of the second stream is expected to meet the criteria” (Guetz: figures 1 and 3-4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Date and add the determination taught by Guetz in order to obtain a system that helps reduce the cost of coding systems. .

Regarding claim 50, Guetz discloses “transmitting the first compressed stream when the transmission is expected to meet the criteria” (Guetz: figures 1 and 3-4).

Regarding claim 51, Date in view of Guetz disclose “compressing at least one channel of the stream to generate a second compressed stream when the transmission of the first stream is not expected to meet the criteria and determine whether a transmission of the second stream is expected to meet the criteria” (Date: column 5, lines 12-45; Guetz: figures 1 and 3-4).

Regarding claim 52, Guetz discloses “transmitting the second compressed stream” (Guetz: figures 3-4).

Regarding claim 53, Date discloses "the predetermined criteria includes a real-time transmission" (Date: column 5, lines 12-15).

Regarding claim 54, Date discloses "the predetermined criteria includes transmission of the stream within a predetermined bandwidth" (Date: column 5, lines 30-35, wherein the bandwidth is the maximum rate of the transmission path).

Regarding claim 55, Date discloses "the bandwidth comprises a maximum bandwidth" (Date: column 5, lines 30-34).

Regarding claim 56, although not disclosed, it would have been obvious to transmit data at a portion of the available bandwidth (Official Notice). Doing so would have been obvious in order to account for fluctuations in the communication channel.

Regarding claim 57, although not disclosed, it would have been obvious to transmit wirelessly (Official Notice). Doing so would have been obvious in order more easily transmit data to a variety of locations.

Regarding claim 58, although not disclosed, it would have been obvious for the data to come from a variety of sources (Official Notice). Doing so would have been obvious in order to accommodate many different types of data.

3. Claims 59-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Date et al. (5959677), (hereinafter referred to as "Date") in view of Guetz et al. (6091777), (hereinafter referred to as "Guetz") in further view of Putzolu (6584509).

Regarding claims 59-60, note the examiners rejection for claim 49, and in addition, claims 59-60 differ from claim 49 in that claims 59-60 further require using a round robin mode of selection. Putzolu teaches that a round robin scheme allows all classes to have equal opportunities to access the links (Putzolu: column 7, lines 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the selection method disclosed by Putzolu in order to obtain an apparatus that operates more efficiently by being able to select streams in a fair and equal manner.

Regarding claim 61, Guetz discloses "selecting the channel having the greatest amount of data" (Guetz: figures 3-4).

Regarding claim 62, Putzolu discloses "selecting is based on prioritization" (Putzolu: figure 3).

Regarding claim 63, although not disclosed, it would have been obvious to select an uncompressed channel over a compressed channel" (Official Notice). Doing so would have been obvious in order to provide a high-quality lossless image to a user.

Regarding claim 64, Guetz discloses "compressing in a first manner in response to determining a channel being compressed has not been compressed in the first manner and compressing in a second manner in response to determining the channel has been compressed in the first manner" (Guetz: figures 3-4).

Regarding claims 65-96, note the examiners rejections for claims 49-64.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/
Primary Examiner, Art Unit 2621